

TUCSON UNIFIED SCHOOL DISTRICT

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Attorneys for Tucson Unified School District No. 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al., Plaintiffs,	4:74-cv-00090-DCB (Lead Case)
v.	
Tucson Unified School District No. 1, et al., Defendants.	

Maria Mendoza, et al. Plaintiffs,	CV 74-204 TUC DCB (Consolidated Case)
v.	
Tucson Unified School District No. 1, et al., Defendants.	

NOTICE AND REQUEST FOR APPROVAL

PORTABLE AT BORMAN K-8 SCHOOL

Tucson Unified School District – Legal Department
1010 East 10th Street, Room 24
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1 The Tucson Unified School District, No. 1 (“TUSD” or the “District”), hereby submits
2 this Notice and Request for Approval to add one double-wide portable (two classrooms) to
3 Borman K-8 School due primarily to increased enrollment as it grows into a K-8 school.

4 Borman K-8 School is a high-demand school on the Davis-Monthan Air Force Base.
5 The Court approved the District’s request to expand Borman from a K-5 to a K-8 school in
6 2016 (see Order of 06/06/16, ECF 1939). The DIA that accompanied the 2016 request
7 estimated that Borman’s K-8 enrollment might reach 629 students. The DIA included a long-
8 term plan to add two classrooms “if enrollment exceeds expectations.” Enrollment has now
9 exceeded expectations, the projection for SY2020-21 is 657 students. At a fraction of the
10 estimated cost of building two classrooms, the District now seeks to add a two-classroom
11 portable to accommodate growth.

12 The District has engaged the parties and Special Master in communications about the
13 addition of the portable, including a draft Desegregation Impact Analysis (DIA). The
14 Mendoza Plaintiffs and the Department of Justice have indicated no objection to the portable
15 addition. The Fisher Plaintiffs object to the portable addition.

16 The DIA reveals that Borman, a school that reflects the diversity of our military, is a
17 school with a diverse student population with three racial/ethnic groups who make up
18 approximately 20%, each, of the total population. The addition of the portable will increase
19 enrollment capacity on the air force base and provide more students an opportunity to reap
20 the benefits of a diverse learning environment. **Exhibit 1, Desegregation Impact Analysis,**
21 **Borman K-8 School.** The portable addition will not significantly affect surrounding schools
22 or negatively impact the District’s ability to fulfill its obligations under the USP.

23 **Conclusion**

24 The proposed addition will provide expanded capacity at a growing school, help serve
25 military families, fulfill the long-term expansion plans stated in 2016 (at a fraction of the cost
26 using plant funds, not 910G funds). Only the Fisher Plaintiffs have objected to the portable
27 addition in response to the draft DIA.

1 The proposal will not create negative impacts for TUSD’s USP obligations and will,
2 in fact, positively impact TUSD’s obligations to improve integration by providing students
3 on the air force base with increased opportunities to benefit from diverse learning
4 environments. For these reasons, as described above and in the attached DIA, the District
5 respectfully requests approval.

6 Respectfully submitted on October 6, 2020.

7 **TUCSON UNIFIED SCHOOL DISTRICT**
8 **LEGAL DEPARTMENT**

9 *s/ Samuel E. Brown*

10 Robert S. Ross

Samuel E. Brown

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Certificate of Service

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2 **ORIGINAL** of the foregoing filed via the CM/ECF Electronic Notification System and
3 transmittal of a Notice of Electronic Filing provided to all parties that have filed a notice of
4 appearance in the District Court Case.
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7 s/ Samuel E. Brown
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